



April 4, 2019

Seleta Reynolds
General Manager
City of Los Angeles Department of Transportation
100 S. Main St., 10th Floor
Los Angeles, CA 90012

RE: Protecting Our Customers' Privacy Under MDS (Agency-API)

Dear Ms. Reynolds,

As you know, our relationship with the City of Los Angeles was founded on partnership and a shared vision of the future of mobility. Over the past six years, we have worked together diligently to meet mutual goals. Now we are committed to working with the City to ensure that we provide you with the data you need to regulate micro-mobility services in a manner that does not unnecessarily impinge upon the privacy of our customers. Data privacy is a matter of great importance to our customers, and we are asking for your cooperation in addressing their and our concerns.

Indeed, we appreciate your willingness to engage with Lyft on the development and implementation of MDS (Agency-API). While these exchanges have been ongoing, they have lacked transparency, adequate public and stakeholder input, and have been bound by arbitrary deadlines. We continue to have fundamental concerns with Agency-API, which are detailed below. **To get this right, we request LADOT pause Agency-API implementation on April 15 until a thorough and transparent process can identify possible problems, address them, and improve the standard.**

In particular, we are concerned that:

- Agency-API requires Lyft to provide our customers' highly granular origin and destination data in real time and their complete route data at the end of their trip via the Provider-API.
- LADOT's Privacy Protection Principles and use of a third party to store data are insufficient safeguards to secure our customers' information from breach, abuse, and disclosure.
- LADOT has provided no justification for requiring, collecting, and storing detailed records of every scooter trip. We strongly believe LADOT can effectively regulate micro-mobility providers without risking the privacy of our customers.



While LADOT has asserted that this information will be anonymized, privacy experts have warned the City that location data can still be connected to an individual who rides scooters between personal locations such as their residence, place of employment, medical facilities, political events, and places of worship. An MIT study titled "Unique in the Crowd: The privacy bounds of human mobility" found that two randomly chosen origin and destination pairs could be used to re-identify more than 50% of individuals.¹ This study finds that mobility traces are highly unique and can therefore be re-identified using little outside information. Similarly, additional incidents and studies show that "anonymized" data such as New York City taxi trip details² and Netflix viewing habits³ could easily be reverse engineered to expose individual information to the public⁴. The data being demanded by LADOT is far more granular and expansive than the studies outlined above, posing significant re-identification risks.

At a time when the public is increasingly concerned with data privacy and government collection of personal information, Agency-API will gather exact geolocation of individuals, store it, and use it for undefined purposes with few guardrails around how the data is shared with third parties and secured. Such a process violates the reasonable privacy expectations of our customers, and we owe it to them to take a strong position – especially considering the potential for MDS (Agency-API) to become the global standard.

Problems with Agency-API

In numerous conversations with LADOT, Lyft has raised specific concerns regarding Agency-API.

1. LADOT would collect highly granular real-time and slightly delayed data that would allow the City to track the precise movements of our customers. Real-time tracking amounts to an enormous privacy invasion with numerous unintended consequences.

- Agency-API requires operators to share live origin and destination data in real time, exposing consumers to disclosure risks. As Jeremy Gillula of the digital rights privacy

¹ Yves-Alexandre de Montjoye, César A. Hidalgo, Michel Verleysen & Vincent D. Blondel, "Unique in the Crowd: The privacy bounds of human mobility," *Nature*, March 25, 2013, <https://www.nature.com/articles/srep01376>.

² Jeroen van der Ham, "On Taxis and Rainbows: Anonymising is not easy," Rathenau Institute, June 19, 2015, <https://1sand0s.nl/2015/06/on-taxis-and-rainbows-anonymising-is-not-easy/>.

³ Arvind Narayanan & Vitaly Shmatikov, "Robust De-anonymization of Large Datasets (How to Break Anonymity of the Netflix Prize Dataset)," The University of Texas at Austin, February 5, 2008, <https://arxiv.org/abs/cs/0610105>.

⁴ Paul Ohm, "Broken Promises of Privacy: Responding to the Surprising Failure of Anonymization," *UCLA Law Review*, 2010, <https://www.uclalawreview.org/pdf/57-6-3.pdf>.



organization Electronic Frontier Foundation has noted, "this data is incredibly, incredibly sensitive."⁵

- The Center for Democracy and Technology's (CDT) policy counsel Joseph Jerome has stated that "this sort of combination of private data in public hands is going to be a bigger and bigger issue, and when it's geolocation there are some particular questions."⁶ CDT stated in a letter to LADOT that "location information is among the most sensitive data, especially when collected over extended periods of time. People's movements from place to place can reveal sexual partners, religious activities, and health information."⁷
- As the taxi and Netflix examples cited above demonstrate, there are numerous methods to take anonymized geolocation data and reveal sensitive information about how people move around cities. This underscores the need to think critically about the level of data collected as well as how it's secured, used, and accessed.
- Many of the communities in Los Angeles that are the most underserved from a transportation perspective, and therefore more likely to use micro-mobility devices, are also the communities that are most likely to come into contact with law enforcement — raising significant concerns that Agency-API could become a surveillance tool for law enforcement.

2. Agency-API does not follow the LADOT's own principle of Data Minimization outlined in its Privacy Protection Principles.

- LADOT has not specifically and clearly committed to transparent use cases for the vast amounts of granular data collected through Agency-API. Compounding this issue is LADOT's reliance on a third party, Remix, to ingest and store data.
- Shared Streets, a nonprofit organization that helps cities and companies share transportation data, has said that "none of the things they've [the City] outlined in terms of transportation planning, or enforcement, or oversight requires keeping a record of where everyone has traveled."⁸

⁵ Laura J. Nelson, "L.A. wants to track your scooter trips. Is it a dangerous precedent?," Los Angeles Times, March 15, 2019, <https://www.latimes.com/local/lanow/la-me-ls-los-angeles-scooter-surveillance-privacy-20190315-story.html>.

⁶ Joseph Cox, "Scooter Companies Split on Giving Real-Time Location Data to Los Angeles," Motherboard, March 19, 2019, https://motherboard.vice.com/en_us/article/yw8j5x/scooter-companies-location-data-los-angeles-uber-lyft-bird-lime-permits.

⁷ Natasha Duarte & Joseph Jerome, "RE: Privacy Considerations in Dockless Mobility Pilot Program," Center for Democracy & Technology, November 29, 2018, https://cdt.org/files/2018/11/CDT_LADOT_Dockless-Mobility-Comments.pdf.

⁸ Jeremy B. White, "'This is creepy': In LA, scooters become the next data privacy fight," Politico, March 6, 2019, <https://www.politico.com/states/california/story/2019/03/01/this-is-creepy-in-la-scooters-become-the-next-data-privacy-fight-883121>.



3. There are many unresolved questions and serious issues relating to LADOT's use of a third party, Remix, to ingest, store, and interpret data collected through Agency-API.

- Remix has indicated it intends to reuse and sell data and insights gleaned from data collected through programs like this one. This violates the City's own principle of Access Limitation.
- There is no legal agreement in place between LADOT and Remix that holds Remix accountable or holds them to any standards. This is incredibly concerning given the implementation deadline is looming.
- It is unclear if the arrangement between LADOT and Remix is compliant with the California Consumer Privacy Act and the California Electronic Communications Privacy Act.

4. Agency-API results in unprecedented government control over an individual's right to make purchasing decisions by locking out access to individual scooters until the government deems it is appropriate.

- Agency-API allows LADOT to dynamically control Lyft's Service Area without notice. This requires customers to ask "permission" to start or end trips, as opposed to communicating constraints ahead of time, creating a poor experience. Customers will be able to see scooters on the map, only to find when they try to start a ride, they are unable to do so.

5. The data sharing standard unveiled by LADOT may be particularly problematic if adopted outside Los Angeles.

- Other cities that adopt Agency-API may have fewer safeguards in place to prevent misuse. For example, as a Sanctuary City, Los Angeles has committed to not sharing data with immigration officials, but other cities may not have these policies in place and data in those cities could be used to aid immigration enforcement. Privacy experts have pointed to the Immigration and Customs Enforcement Agency's use of Automatic License Plate Reader data as a way to target individuals for immigration enforcement.⁹
- Former Los Angeles Assemblyman Mike Gatto, the past Chairman of the Consumer Protection & Privacy Committee, noted that when government agencies create public

⁹ Jazmine Ulloa, "ICE is tracking immigrants with the help of California sanctuary cities, court records show," Los Angeles Times, March 13, 2019, <https://www.latimes.com/politics/la-pol-ca-ice-license-plate-immigrants-20190313-story.html>.



databases, "law enforcement has the ability to access it, and they will."¹⁰ Law enforcement agencies have already engaged in that behavior.¹¹

- Data security requires expertise, continual monitoring, and investment. Other cities or third parties may not have the resources to be able to adequately secure and defend this data.
- While Los Angeles will classify data collected through Agency-API as personally identifiable information (PII) and said it will not be subject to public records requests, laws in other jurisdictions may demand that this data be subject to public disclosure upon request.

Outstanding Questions

In our conversations with LADOT, Lyft raised many questions about the application of Agency-API, including:

- What are LADOT's explicit use cases for this data and what is LADOT's commitment to using the data only for these purposes? Is LADOT collecting only the minimum amount of data necessary to achieve these goals?
- Who will have access to data collected through Agency-API? What legal, technical, and organizational measures will be taken to protect customer information?
- How will Remix be held accountable for securing and restricting use of data collected through Agency-API? Will they be restricted from reusing or selling data?
- How will LADOT protect Agency-API data from being disclosed as a result of public records requests?
- How is LADOT vetting their policies with privacy and security experts? What is being done to remedy any concerns or vulnerabilities?
- Is Agency-API compliant with the California Consumer Privacy Act and the California Electronic Communications Privacy Act?

Conclusion

We are highly interested in collaborating on data-sharing policies that will aid the City in thoughtful regulation and infrastructure planning. Lyft is committed to working with cities to encourage the transformation of cities designed for people, not cars. We know we have a

¹⁰ Jeremy B. White, "'This is creepy': In LA, scooters become the next data privacy fight," Politico, March 6, 2019, <https://www.politico.com/states/california/story/2019/03/01/this-is-creepy-in-la-scooters-become-the-next-data-privacy-fight-883121>.

¹¹ Thomas Peele, "Kensington: New records show more cops used confidential database to gather personal information on police board member," San Jose Mercury, February 20, 2019, <https://www.mercurynews.com/2019/02/20/kensington-new-records-show-cops-used-confidential-database-to-gather-personal-information-on-police-board-candidate/>.



responsibility to assist cities in understanding how micro-mobility devices are being used in their communities.

Last year, Lyft joined the National Association of Transportation Officials' SharedStreets initiative with the Open Transport Partnership and committed to sharing data with cities to understand patterns of Transportation Network Company demand and hotspots for pickup/drop-off activity. These data insights are already being used for transportation planning efforts such as helping cities identify locations to convert parking spaces to loading zones in support of Vision Zero safety goals.

We had hoped LADOT would engage in a transparent and public discourse that included stakeholder engagement from privacy organizations and the broader public that resulted in a standard that collected enough data to serve its defined purpose while minimizing risk from overcollection. Unfortunately, this did not happen.

Lyft remains hopeful that Agency-API can be improved. We request that the City considers the challenges detailed in this letter and the opportunities to work together to strengthen the data protocols. Due to the concerns raised by privacy experts, operators, and consumers, we ask that LADOT delay Agency-API implementation until a formal, inclusive process to improve the policy and prioritize customer privacy has been undertaken.

To that end, we are more than willing to participate in an open forum on how to accomplish our shared goals without compromising privacy, and appreciate your attention to this matter.

Sincerely,

Caroline Samponaro
Head of Bike, Scooter & Pedestrian Policy

cc (by email):

Mayor Eric Garcetti
Members of the Los Angeles City Council